

## IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

IN THE MATTER OF:

Dan Charleston, a candidate  
for Polk County Sheriff

Case No. 2012 IECDB 15

REPRIMAND

On this 16<sup>th</sup> day of November, 2012, a complaint filed against Dan Charleston came before the Iowa Ethics and Campaign Disclosure Board. The Board elects to handle this matter by administrative resolution. See Iowa Admin. Code r. 9.4(2). For the reasons that follow, the Ethics Board hereby reprimands Mr. Charleston and his committee, Charleston for Sheriff, for accepting corporate contributions in violation of Iowa Code section 68A.503.

### BACKGROUND

Dan Charleston was a candidate for Polk County Sheriff. On September 25, 2012, Ray M. Blase filed a complaint alleging Dan Charleston's campaign committee, Charleston for Sheriff, accepted campaign contributions from two corporations in violation of Iowa Code section 68A.503. The complainant attached to the complaint the committee's May 19, 2012 report showing a \$100 contribution from JS Investments, Inc. and the committee's July 19<sup>th</sup> report showing two contributions from Charleston Enterprises, Inc. totaling \$1200.

After receiving a copy of the complaint, Mr. Charleston's committee acknowledged receiving the contributions and promptly returned the contributions after the Ethics Board's staff explained that candidates and their committees are prohibited from receiving corporate contributions. The Ethics Board's staff also informed Mr. Charleston's committee that it needed to return four other contributions received from corporations.<sup>1</sup> The committee promptly returned those contributions as well.

### ANALYSIS

The Ethics Board must first determine whether the complaint is legally sufficient. A legally sufficient complaint must allege all of the following:

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<sup>1</sup> Contribution from Brothers Construction Ltd received on 7/5/12 in the amount of \$150  
Contribution from Charleston Enterprises, Inc. received on 7/31/12 in the amount of \$100  
Contribution from Brothers Construction Ltd received on 8/2/12 in the amount of \$250  
Contribution from Charleston Enterprises, Inc. received on 9/14/12 in the amount of \$300

- a. Facts that would establish a violation of a provision of chapter 68A, chapter 68B, section 8.7, or rules adopted by the Ethics Board.
- b. Facts that would establish that the conduct providing the basis for the complaint occurred within three years of the complaint.
- c. Facts that would establish that the subject of the complaint is a party subject to the jurisdiction of the board.

Iowa Code § 68B.32B(4). If the Ethics Board determines the complaint is legally sufficient, it shall order an investigation. *Id.* § 68B.32B(6). If the Ethics Board determines none of the allegations contained in the complaint are legally sufficient, the complaint shall be dismissed. *Id.*

The complaint alleges conduct that occurred this year. Mr. Charleston and the Charleston for Sheriff committee are subject to the Ethics Board's jurisdiction as a candidate and candidate's committee. *Id.* § 68B.32(1). The only remaining question is whether the complaint alleges facts that would establish a violation of chapter 68A.

Iowa Code section 68A.503 prohibits a corporation from making monetary or in-kind contribution to a candidate or committee except for a ballot issue committee. The complaint alleges and Mr. Charleston's committee acknowledges accepting corporate contributions. Therefore, because the complaint alleges facts that would establish a violation of section 68A.503, the Board finds the complaint is legally sufficient.

The Board finds it is unnecessary to order a further investigation given the fact Mr. Charleston's committee disclosed the contributions and acknowledged receiving the contributions from the corporations.

The Board accepts the remedial actions already taken by the committee. However, given the number of corporate contributions and the amount of corporate money accepted by the committee, the Board also believes a reprimand is appropriate in this case. The Board hereby reprimands Mr. Charleston and the Charleston for Sheriff committee for accepting corporate contributions in violation of Iowa Code section 68A.503. Pursuant to Iowa Administrative Rule 351—9.4(3), Mr. Charleston may appeal the issuance of the reprimand by submitting within 30 days of service of this order a written request for a contested case hearing.

By direction of the Ethics Board



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James Albert, Chair  
John Walsh, Vice Chair  
Saima Zafar  
Carole Tillotson  
Jonathan Roos  
Mary Rueter

CERTIFICATE OF SERVICE

The undersigned hereby certifies this order was sent by first class mail, address service requested, on November 28, 2012, to:

Mr. Dan Charleston  
Charleston for Sheriff Committee  
P.O. Box 57576  
Des Moines, IA 50317

Mr. Ray M. Blase  
913 NE 34<sup>th</sup> Street  
Ankeny, IA 50021

By:   
Megan Tooker, Executive Director for the Board